

**BILL****SECTION 139**

1 (d) The board of absentee ballot canvassers shall keep a written statement, in  
2 duplicate, of the number of ballots set aside and the number of defective ballots and  
3 challenged ballots. The statement shall contain a record of the reasons for setting  
4 aside each ballot and the reasons why each defective or challenged ballot is defective  
5 or challenged. The board of absentee ballot canvassers shall certify that the  
6 statement is correct, sign it, and attach it to the tally sheets.

7 (e) If, after any ballots have been set aside, the number of ballots still exceeds  
8 the total number of electors recorded on the poll list, the board of absentee ballot  
9 canvassers shall place the absentee ballots in the ballot box and one of the members  
10 shall publicly and without examination draw therefrom by chance the number of  
11 ballots equal to the excess number of ballots. All ballots so removed shall not be  
12 counted but shall be specially marked as having been removed by the board of  
13 absentee ballot canvassers on original canvass due to an excess number of ballots,  
14 set aside, and preserved. When the number of ballots and total shown on the poll list  
15 agree, the board of absentee ballot canvassers shall return all ballots to be counted  
16 to the ballot box and shall turn the ballot box in such manner as to thoroughly mix  
17 the ballots. The board of absentee ballot canvassers shall then open, count, and  
18 record the number of votes. When the ballots are counted, the board of absentee  
19 ballot canvassers shall separate them into piles for ballots similarly voted.  
20 Objections may be made to placement of ballots in the piles at the time the separation  
21 is made.

22 (f) If corrected ballots under s. 5.06 (6) or 5.72 (3) are distributed under s. 7.10  
23 (3), only the votes cast on the corrected ballots may be counted for any office or  
24 referendum in which the original ballots differ from the corrected ballots.

**BILL**

1           (g) The board of absentee ballot canvassers shall place together all ballots  
2 counted by it that relate to any national, state, or county office or any state, county,  
3 or technical college district referendum and secure them together so they cannot be  
4 untied or tampered with without breaking the seal. The secured ballots, together  
5 with any ballots marked “Defective,” shall then be secured by the board of absentee  
6 ballot canvassers in the ballot container in such a manner that the container cannot  
7 be opened without breaking the seals or locks, or destroying the container. The board  
8 of absentee ballot canvassers shall place the ballots cast under s. 6.97 in a separate,  
9 securely sealed carrier envelope which is clearly marked “Section 6.97 ballots.” Each  
10 member of the board of absentee ballot canvassers shall sign the carrier envelope.  
11 The carrier envelope shall not be placed in the ballot container. The board of  
12 absentee ballot canvassers shall then deliver the ballots to the municipal clerk in the  
13 ballot container and carrier envelope.

14           (h) For ballots that relate only to municipal or school district offices or  
15 referenda, the board of absentee ballot canvassers, in lieu of par. (a), after counting  
16 the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper  
17 over the slots, sign their names to the paper, and deliver them and the keys therefor  
18 to the municipal or school district clerk. The clerk shall retain the ballots until  
19 destruction is authorized under s. 7.23.

20           (i) All absentee certificate envelopes that have been opened shall be returned  
21 by the board of absentee ballot canvassers to the municipal clerk in a securely sealed  
22 carrier envelope that is clearly marked “used absentee certificate envelopes.” The  
23 envelopes shall be signed by each member of the board of absentee ballot canvassers.  
24 Except when the ballots are used in a municipal or school district election only, the  
25 municipal clerk shall transmit the used envelopes to the county clerk.

**BILL****SECTION 139**

1           (5) The vote of any absent elector may be challenged for cause and the board  
2 of absentee ballot canvassers shall have all the power and authority given the  
3 inspectors to hear and determine the legality of the ballot the same as if the ballot  
4 had been voted in person.

5           (6) (a) The board of absentee ballot canvassers shall review each certificate  
6 envelope to determine whether any absentee ballot is cast by an elector whose name  
7 appears on the poll list as ineligible to vote at the election, including ineligibility to  
8 vote by reason of a felony conviction. If the board of absentee ballot canvassers  
9 receives an absentee ballot that has been cast by an elector whose name appears on  
10 the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same  
11 manner as provided for inspectors making challenges under s. 6.92 and shall treat  
12 the ballot in the manner as provided for treatment of challenged ballots by inspectors  
13 under s. 6.95.

14           (b) Any elector may challenge for cause any absentee ballot. For the purpose  
15 of deciding upon ballots that are challenged for any reason, the board of absentee  
16 ballot canvassers may call before it any person whose absentee ballot is challenged  
17 if the person is available to be called. If the person challenged refuses to answer fully  
18 any relevant questions put to him or her by the board of absentee ballot canvassers  
19 under s. 6.92, the board of absentee ballot canvassers shall reject the person's vote.  
20 If the challenge is not withdrawn after the person offering to vote has answered the  
21 questions, one of the members of the board of absentee ballot canvassers shall  
22 administer to the person the following oath or affirmation: "You do solemnly swear  
23 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you  
24 are now and for 10 days have been a resident of this ward except under s. 6.02 (2),  
25 stats.; you have not voted at this election; you have not made any bet or wager or

**BILL**

1 become directly or indirectly interested in any bet or wager depending upon the  
2 result of this election; you are not on any other ground disqualified to vote at this  
3 election." If the person challenged refuses to take the oath or affirmation, the  
4 person's vote shall be rejected. If the person challenged answers fully all relevant  
5 questions put to the elector by the board of absentee ballot canvassers under s. 6.92,  
6 takes the oath or affirmation, and fulfills the applicable registration requirements,  
7 and if the answers to the questions given by the person indicate that the person meets  
8 the voting qualification requirements, the person's vote shall be received.

9 (7) The board of absentee ballot canvassers shall maintain tally sheets on  
10 forms provided by the municipal clerk, which shall state the total number of votes  
11 cast for each office and for each individual receiving votes for that office, whether or  
12 not the individual's name appears on the ballot, and shall state the vote for and  
13 against each proposition voted on. Upon completion of the canvass of the absentee  
14 ballots, the board of absentee ballot canvassers shall immediately complete  
15 statements in duplicate. The statements shall state the excess, if any, by which the  
16 number of ballots exceeds the number of electors voting as shown by the poll list used  
17 by the board of absentee ballot canvassers under this section and shall state the poll  
18 list number of the last elector as shown by the poll list. Each member of the board  
19 of absentee ballot canvassers shall then certify to the correctness of the statements  
20 and tally sheets and sign their names. All other election officials assisting with the  
21 tally shall also certify to the correctness of the tally sheets. When the tally is  
22 complete, the board of absentee ballot canvassers shall publicly announce the results  
23 from the statements, and the records of the count are open to public inspection and  
24 copying under s. 19.35 (1).

**BILL****SECTION 139**

1           (8) The board of absentee ballot canvassers shall make full and accurate return  
2 of the votes cast for each candidate and proposition on the tally sheet forms. Each  
3 tally sheet shall record the returns for each office or referendum by ward, unless  
4 combined returns are authorized in accordance with s. 5.15 (6) (b), in which case the  
5 tally sheet shall record the returns for each group of combined wards. After  
6 recording the votes, the board of absentee ballot canvassers shall seal in a carrier  
7 envelope outside the ballot bag or container one inspector's statement under sub. (4)  
8 (d), one tally sheet, and one poll list for delivery to the county clerk, unless the  
9 election relates only to municipal or school district offices or referenda. The board  
10 of absentee ballot canvassers shall also similarly seal one statement, one tally sheet,  
11 and one poll list for delivery to the municipal clerk.

12           (9) The governing body of any municipality that has provided by ordinance  
13 enacted under sub. (1) for the canvassing of absentee ballots at all elections held in  
14 the municipality under this section may by similar action rescind that decision.  
15 Thereafter, the absentee ballots at all elections held in the municipality shall be  
16 canvassed as provided in s. 6.88.

17           **SECTION 140.** 7.53 (1) of the statutes is amended to read:

18           7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality  
19 constitutes one ward or combines all wards to utilize a single polling place under s.  
20 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted  
21 publicly under s. 7.51 and the inspectors, other than any inspector appointed under  
22 s. 7.30 (1) (b), shall act as the municipal board of canvassers. In municipalities where  
23 absentee ballots are canvassed under s. 7.52, after the canvass of the absentee ballots  
24 is completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the  
25 poll list of the electors who vote by absentee ballot with the corresponding poll list

**BILL**

1 of the electors who vote in person to ensure that no elector is allowed to cast more  
2 than one ballot. If an elector who votes in person has submitted an absentee ballot,  
3 the absentee ballot is void. Upon completion of the canvass under this subsection and  
4 any canvass that is conducted under s. 7.52 and ascertainment of the results by the  
5 inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52,  
6 by the inspectors and the board of absentee ballot canvassers, the municipal clerk  
7 shall publicly read to the inspectors or the board of absentee ballot canvassers the  
8 names of the persons voted for and the number of votes for each person for each  
9 municipal office, the names of the persons declared by the inspectors or board of  
10 absentee ballot canvassers to have won nomination or election to each municipal  
11 office, and the number of votes cast for and against each municipal referendum  
12 question.

13 **SECTION 141.** 7.53 (2) (a) of the statutes is amended to read:

14 7.53 (2) (a) 1. Except as provided in par. (c), the municipal board of canvassers  
15 for municipal elections in each municipality utilizing more than one polling place  
16 shall be composed of the municipal clerk and 2 other qualified electors of the  
17 municipality appointed by the clerk. The members of the board of canvassers shall  
18 serve for 2-year terms commencing on January 1 of each odd-numbered year, except  
19 that any member who is appointed to fill a permanent vacancy shall serve for the  
20 unexpired term of the original appointee.

21 2. If the municipal clerk's office is vacant, or if the clerk cannot perform his or  
22 her duties ~~or if the clerk is a candidate at an election being canvassed,~~ the mayor,  
23 president or board chairperson of the municipality shall designate another qualified  
24 elector of the municipality to serve in lieu of the clerk for that election.

**BILL****SECTION 141**

1           4. If any other member of the board of canvassers is a candidate at the election  
2 being canvassed, the clerk shall appoint another qualified elector of the municipality  
3 to temporarily fill the vacancy.

4           **SECTION 142.** 7.53 (2) (a) 3. of the statutes is created to read:

5           7.53 (2) (a) 3. If the clerk is a candidate at an election being canvassed, the clerk  
6 may perform his or her duties on the board of canvassers only if the clerk does not  
7 have an opponent whose name appears on the ballot, or in the case of a recount, if  
8 the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate  
9 at the election being canvassed and has an opponent whose name appears on the  
10 ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president  
11 of board chairperson of the municipality shall designate another qualified elector of  
12 the municipality to serve in lieu of the elector for that election.

13           **SECTION 143.** 7.53 (2) (d) of the statutes is amended to read:

14           7.53 (2) (d) The municipal board of canvassers shall publicly canvass the  
15 returns of every ~~municipal~~ election. The canvass shall begin within 24 hours after  
16 the polls close. After any canvass of the absentee ballots is completed under s. 7.52,  
17 the board of canvassers shall reconcile the poll list of the electors who vote by  
18 absentee ballot with the corresponding poll list of the electors who vote in person to  
19 ensure that no elector is allowed to cast more than one ballot. If an elector who votes  
20 in person has submitted an absentee ballot, the absentee ballot is void. At the spring  
21 election, the board of canvassers shall publicly declare the results on or before the  
22 2nd Tuesday in April. The board of canvassers shall prepare a statement showing  
23 the results of each election for any municipal office and each municipal referendum.  
24 After each primary for municipal offices, the board of canvassers shall prepare a  
25 statement certifying the names of those persons who have won nomination to office.

**BILL**

1 After each other election for a municipal office and each municipal referendum, the  
2 board of canvassers shall prepare a determination showing the names of the persons  
3 who are elected to each municipal office and the results of each municipal  
4 referendum. The board of canvassers shall file each statement and determination  
5 in the office of the municipal clerk or board of election commissioners.

6 **SECTION 144.** 7.53 (2m) of the statutes is created to read:

7 **7.53 (2m) BOARD OF ABSENTEE BALLOT CANVASSERS.** (a) If a municipality elects  
8 to count absentee ballots in the manner provided for in s. 7.52, the municipality shall  
9 establish a board of absentee ballot canvassers as provided in par. (b).

10 (b) Except as provided in par. (c), the municipal board of absentee ballot  
11 canvassers shall be composed of the municipal clerk, or a qualified elector of the  
12 municipality designated by the clerk, and 2 other qualified electors of the  
13 municipality appointed by the clerk. The members of the board of absentee ballot  
14 canvassers shall serve for 2-year terms commencing on January 1 of each  
15 odd-numbered year, except that any member who is appointed to fill a permanent  
16 vacancy shall serve for the unexpired term of the original appointee. If the municipal  
17 clerk's office is vacant or if the clerk and the clerk's designee cannot perform his or  
18 her duties, the mayor, president, or board chairperson of the municipality shall  
19 designate another qualified elector of the municipality to serve in lieu of the clerk for  
20 that election. If the clerk is a candidate at an election being canvassed, the clerk or  
21 the clerk's designee may perform the clerk's duties on the board of absentee ballot  
22 canvassers only if the clerk does not have an opponent whose name appears on the  
23 ballot. If the clerk is a candidate at the election being canvassed by the board of  
24 absentee ballot canvassers and has an opponent whose name appears on the ballot,  
25 the mayor, president, or board chairperson of the municipality shall designate



**BILL****SECTION 144**

1 another qualified elector of the municipality to serve in lieu of the clerk and his or  
2 her designee for that election. If any other member of the board of absentee ballot  
3 canvassers is a candidate at the election being canvassed, the clerk shall appoint  
4 another qualified elector of the municipality to temporarily fill the vacancy.

5 (c) Nothing in this subsection precludes a municipal clerk from appointing  
6 individuals to the board of absentee ballot canvassers who are simultaneously  
7 serving on any other board of canvassers.

8 **SECTION 145.** 7.60 (2) of the statutes is amended to read:

9 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors  
10 of the county appointed by the clerk constitute the county board of canvassers. The  
11 members of the board of canvassers shall serve for 2-year terms commencing on  
12 January 1 of each odd-numbered year, except that any member who is appointed to  
13 fill a permanent vacancy shall serve for the unexpired term of the original appointee.  
14 One member of the board of canvassers shall belong to a political party other than  
15 the clerk's. The county clerk shall designate a deputy clerk who shall perform the  
16 clerk's duties as a member of the board of canvassers in the event that the county  
17 clerk's office is vacant, or the clerk cannot perform his or her duties, ~~or the clerk is~~  
18 ~~a candidate at an election being canvassed.~~ If the county clerk and designated  
19 deputy clerk are both unable to perform their duties, the county executive or, if there  
20 is no county executive, the chairperson of the county board of supervisors shall  
21 designate another qualified elector of the county to perform the clerk's duties. If a  
22 member other than the clerk cannot perform his or her duties, the clerk shall appoint  
23 another member to serve. No Except as otherwise provided in this subsection, no  
24 person may serve on the county board of canvassers if the person is a candidate for  
25 an office to be canvassed by that board. If the clerk is a candidate at an election being

**BILL**

1 canvassed, the clerk may perform his or her duties on the board only if the clerk has  
2 no opponent whose name appears on the ballot, or, in the case of a recount, if the office  
3 the clerk is seeking is not a subject of the recount. If lists of candidates for the county  
4 board of canvassers are submitted to the county clerk by political party county  
5 committees, the lists shall consist of at least 3 names and the clerk shall choose the  
6 board members from the lists. Where there is a county board of election  
7 commissioners, it shall serve as the board of canvassers. If the county board of  
8 election commissioners serves as the board of canvassers, the executive director of  
9 the county board of election commissioners shall serve as a member of the board of  
10 canvassers to fill a temporary vacancy on that board.

11 **SECTION 146.** 8.10 (3) (intro.) of the statutes is amended to read:

12 8.10 (3) (intro.) The certification of a qualified elector circulator under s. 8.15  
13 (4) (a) shall be appended to each nomination paper. The number of required  
14 signatures on nomination papers filed under this section is as follows:

15 **SECTION 147.** 8.15 (4) (a) of the statutes is amended to read:

16 8.15 (4) (a) The certification of a qualified elector circulator stating his or her  
17 residence with street and number, if any, shall appear at the bottom of each  
18 nomination paper, stating he or she personally circulated the nomination paper and  
19 personally obtained each of the signatures; he or she knows they are electors of the  
20 ward, aldermanic district, municipality or county, as the nomination papers require;  
21 he or she knows they signed the paper with full knowledge of its content; he or she  
22 knows their respective residences given; he or she knows each signer signed on the  
23 date stated opposite his or her name; and, that he or she, the circulator, ~~resides~~  
24 ~~within the district which the candidate named therein will represent, if elected~~ is a  
25 qualified elector of this state, or if not a qualified elector of this state, is a U.S. citizen

## BILL

## SECTION 147

1 age 18 or older who, if he or she were a resident of this state, would not be disqualified  
2 from voting under s. 6.03, Wis. stats.; that he or she intends to support the candidate;  
3 and that he or she is aware that falsifying the certification is punishable under s.  
4 12.13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes  
5 the certification next to his or her signature. The certification may be made by the  
6 candidate or any qualified elector circulator.

7 **SECTION 148.** 8.20 (3) of the statutes is amended to read:

8 8.20 (3) The certification of an elector a qualified circulator under s. 8.15 (4)  
9 (a) shall be appended to each nomination paper.

10 **SECTION 149.** 8.37 of the statutes is amended to read:

11 **8.37 Filing of referenda petitions or questions.** Unless otherwise required  
12 by law, all proposed constitutional amendments and any other measure or question  
13 that is to be submitted to a vote of the people, or any petitions requesting that a  
14 measure or question be submitted to a vote of the people, if applicable, shall be filed  
15 with the official or agency responsible for preparing the ballots for the election no  
16 later than 42 days prior to the election at which the amendment, measure or question  
17 will appear on the ballot. No later than the end of the next business day after a  
18 proposed measure is filed with a school district clerk under this section, the clerk  
19 shall file a copy of the measure or question with the clerk of each county having  
20 territory within the school district.

21 **SECTION 150.** 8.40 (2) of the statutes is amended to read:

22 8.40 (2) The certification of a qualified elector circulator stating his or her  
23 residence with street and number, if any, shall appear at the bottom of each separate  
24 sheet of each petition specified in sub. (1), stating that he or she personally circulated  
25 the petition and personally obtained each of the signatures; that the circulator knows

**BILL**

1 that they are electors of the jurisdiction or district in which the petition is circulated;  
2 that the circulator knows that they signed the paper with full knowledge of its  
3 content; that the circulator knows their respective residences given; that the  
4 circulator knows that each signer signed on the date stated opposite his or her name;  
5 that the circulator ~~resides within the jurisdiction or district in which the petition is~~  
6 ~~circulated~~ is a qualified elector of this state, or if not a qualified elector of this state,  
7 that the circulator is a U.S. citizen age 18 or older who, if he or she were a resident  
8 of this state, would not be disqualified from voting under s. 6.03, Wis. stats.; and that  
9 the circulator is aware that falsifying the certification is punishable under s. 12.13  
10 (3) (a). The circulator shall indicate the date that he or she makes the certification  
11 next to his or her signature.

12 **SECTION 151.** 9.01 (1) (ag) 1., 1m. and 2. of the statutes are amended to read:

13 9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate  
14 and those cast for the petitioner or the difference between the affirmative and  
15 negative votes cast upon any referendum question is less than 10 if 1,000 or less votes  
16 are cast or not more than 0.5% of the total votes cast for the office or on the question  
17 if more than 1,000 votes are cast prior to issuance of any amended return under s.  
18 6.22 (5m) (f), the petitioner is not required to pay a fee.

19 1m. If the difference between the votes cast for the leading candidate and those  
20 cast for the petitioner or the difference between the affirmative and negative votes  
21 cast upon any referendum question is at least 10 if 1,000 or less votes are cast or is  
22 more than 0.5% but not more than 2% if more than 1,000 votes are cast prior to  
23 issuance of any amended return under s. 6.22 (5m) (f), the petitioner shall pay a fee  
24 of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each  
25 municipality for which the petition requests a recount where no wards exist.

**BILL****SECTION 151**

1           2. If the difference between the votes cast for the leading candidate and those  
2           cast for the petitioner or the difference between the affirmative and negative votes  
3           cast upon any referendum question is more than 2% if more than 1,000 votes are cast  
4           prior to issuance of any amended return under s. 6.22 (5m) (f), the petitioner shall  
5           pay a fee equal to the actual cost of performing the recount in each ward for which  
6           the petition requests a recount, or in each municipality for which the petition request  
7           a recount where no wards exist.

8           **SECTION 152.** 9.01 (1) (ag) 2m. of the statutes is created to read:

9           9.01 (1) (ag) 2m. For purposes of subds. 1m. and 2., the number of votes cast  
10          at an election excludes any votes that may be eligible to be counted under s. 6.22 (5m)  
11          (a).

12          **SECTION 153.** 9.01 (1) (b) (intro.) of the statutes is amended to read:

13          9.01 (1) (b) (intro.) The Except as provided in this paragraph, the proper board  
14          of canvassers shall reconvene no earlier than 9 a.m. on the day following delivery of  
15          notice to all candidates under sub. (2) and no later than 9 a.m. on the day following  
16          the last day for filing of a petition and proceed to recount the ballots in the wards or  
17          municipalities specified and to review the allegations of fact contained in the petition  
18          or petitions. If s. 6.22 (5m) (dm) applies, the board of canvassers shall not proceed  
19          with the recount until 9 a.m. on the day following the last day for filing of a petition  
20          and, if s. 6.22 (5m) (e) applies, shall not proceed with the recount until it complies  
21          with s. 6.22 (5m) (f). The recount shall proceed for each ward or municipality as  
22          follows:

23          **SECTION 154.** 9.01 (10) of the statutes is amended to read:

24          9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe  
25          standard forms and procedures for the making of recounts under this section. The

**BILL**

1 procedures prescribed by the elections board shall require the boards of canvassers  
2 in recounts involving more than one board of canvassers to consult with the elections  
3 board staff prior to beginning any recount in order to ensure that uniform procedures  
4 are used, to the extent practicable, in such recounts.

5 **SECTION 155.** 9.10 (2) (b) of the statutes is amended to read:

6 9.10 (2) (b) A recall petition ~~for~~ requesting the recall of a city, village, town or  
7 school district ~~office~~ officer shall contain a statement of ~~a reason for the recall which~~  
8 ~~is related to the official responsibilities of the official for whom removal is sought~~  
9 each cause for the recall and the grounds that constitute each cause. In this  
10 paragraph, "cause" means official misconduct or malfeasance in office.

11 **SECTION 156.** 9.10 (2) (d) of the statutes is amended to read:

12 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
13 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
14 filing officer with whom the petition is filed. The petitioner shall append to the  
15 registration a statement indicating his or her intent to circulate a recall petition, the  
16 name of the officer for whom recall is sought and, in the case of a petition for the recall  
17 of a city, village, town or school district officer, a statement of ~~a reason for the recall~~  
18 ~~which is related to the official responsibilities of the official for whom removal is~~  
19 ~~sought~~ each cause, as defined in par. (b), for the recall and the grounds that constitute  
20 each cause. No petitioner may circulate a petition for the recall of an officer prior to  
21 completing registration. The last date that a petition for the recall of a state,  
22 congressional, legislative, judicial or county officer may be offered for filing is 5 p.m.  
23 on the 60th day commencing after registration. The last date that a petition for the  
24 recall of a city, village, town or school district officer may be offered for filing is 5 p.m.  
25 on the 30th day commencing after registration. After the recall petition has been

**BILL****SECTION 156**

1 offered for filing, no name may be added or removed. No signature may be counted  
2 unless the date of the signature is within the period provided in this paragraph.

3 **SECTION 157.** 9.10 (2) (em) 2. of the statutes is amended to read:

4 9.10 (2) (em) 2. ~~The residency of the circulator cannot be determined by the~~  
5 ~~information given on the petition is not a qualified circulator.~~

6 **SECTION 158.** 9.10 (4) (a) of the statutes is amended to read:

7 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,  
8 or school district official, officer is offered for filing, the officer against whom the  
9 petition is filed may file a written challenge with the municipal clerk or board of  
10 election commissioners or school district clerk with whom it is filed, specifying any  
11 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal  
12 to the challenge with the clerk or board of election commissioners within 5 days after  
13 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is  
14 filed may file a reply to any new matter raised in the rebuttal within 2 days after the  
15 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a  
16 reply to a rebuttal, the clerk or board of election commissioners shall file the  
17 certificate or an amended certificate. Within 31 days after the petition is offered for  
18 filing, the clerk or board of election commissioners shall determine by careful  
19 examination of the face of the petition whether the petition is sufficient and shall so  
20 state in a certificate attached to the petition. If the petition is found to be insufficient,  
21 the certificate shall state the particulars creating the insufficiency. The petition may  
22 be amended to correct any insufficiency within 5 days following the affixing of the  
23 original certificate. Within 2 days after the offering of the amended petition for filing,  
24 the clerk or board of election commissioners shall again carefully examine the face  
25 of the petition to determine sufficiency and shall attach to the petition a certificate

**BILL**

1 stating the findings. Immediately upon finding an original or amended petition  
2 sufficient, except in cities over 500,000 population, the municipal clerk or school  
3 district clerk shall transmit the petition to the governing body or to the school board.  
4 Immediately upon finding an original or amended petition sufficient, in cities over  
5 500,000 population, the board of election commissioners shall file the petition in its  
6 office.

7 **SECTION 159.** 10.01 (2) (e) of the statutes is amended to read:

8 10.01 (2) (e) Type E—The type E notice shall state the qualifications for  
9 absentee voting, the procedures for obtaining an absentee ballot in the case of  
10 registered and unregistered voters, and the places and the deadlines for application  
11 and return of application, including any alternate site under s. 6.855, and the office  
12 hours during which an elector may cast an absentee ballot in the municipal clerk's  
13 office or at an alternate site under s. 6.855. The municipal clerk shall publish a type  
14 E notice on the 4th Tuesday preceding each spring primary and election, on the 4th  
15 Tuesday preceding each September primary and general election, on the 4th Tuesday  
16 preceding the primary for each special national, state, county or municipal election  
17 if any, on the 4th Tuesday preceding a special county or municipal referendum, and  
18 on the 3rd Tuesday preceding each special national, state, county or municipal  
19 election to fill an office which is not held concurrently with the spring or general  
20 election. The clerk of each special purpose district which calls a special election shall  
21 publish a type E notice on the 4th Tuesday preceding the primary for the special  
22 election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd  
23 Tuesday preceding a special election for an office which is not held concurrently with  
24 the spring or general election except as authorized in s. 8.55 (3).

25 **SECTION 160.** 10.02 (3) (a) of the statutes is amended to read:



**BILL****SECTION 160**

1           10.02 (3) (a) Upon entering the polling place and before being permitted to vote,  
2           an elector shall state his or her name and address ~~and provide identification if~~  
3           ~~required by federal law.~~ If an elector is not registered to vote, an elector may register  
4           to vote at the polling place serving his or her residence if the elector provides proof  
5           of residence or the elector's registration is verified by another elector of the same  
6           municipality where the elector resides. Where ballots are distributed to electors, the  
7           initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the  
8           elector shall retire alone to a voting booth or machine and cast his or her ballot, except  
9           that an elector who is a parent or guardian may be accompanied by the elector's  
10          minor child or minor ward. An election official may inform the elector of the proper  
11          manner for casting a vote, but the official may not in any manner advise or indicate  
12          a particular voting choice.

13           **SECTION 161.** 12.03 (title) and (1) of the statutes are amended to read:

14           **12.03 (title) ~~Election day campaigning~~ Campaigning restricted.** (1) No  
15          election official may engage in electioneering on election day. No municipal clerk or  
16          employee of the clerk may engage in electioneering in the clerk's office or at the  
17          alternate site under s. 6.855 during the hours that ballots may be cast at those  
18          locations.

19           **SECTION 162.** 12.03 (2) of the statutes is repealed and recreated to read:

20           12.03 (2) (a) 1. No person may engage in electioneering during polling hours  
21          on election day at a polling place.

22           2. No person may engage in electioneering in the municipal clerk's office or at  
23          an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

**BILL**

1 (b) 1. No person may engage in electioneering during polling hours on any  
2 public property on election day within 100 feet of an entrance to a building containing  
3 a polling place.

4 2. No person may engage in electioneering during the hours that absentee  
5 ballots may be cast on any public property within 100 feet of an entrance to a building  
6 containing the municipal clerk's office or an alternate site under s. 6.855.

7 3. No person may engage in electioneering within 100 feet of an entrance to or  
8 within a nursing home or qualified retirement home or community-based  
9 residential facility while special voting deputies are present at the home or facility.

10 (d) This subsection does not apply to the placement of any material on the  
11 bumper of a motor vehicle that is parked or operated at a place and time where  
12 electioneering is prohibited under this subsection.

13 **SECTION 163.** 12.035 of the statutes is created to read:

14 **12.035 Posting and distribution of election-related material.** (1) In this  
15 section, "election-related material" means any written matter which describes, or  
16 purports to describe, the rights or responsibilities of individuals voting or registering  
17 to vote at a polling place or voting an absentee ballot at the office of the municipal  
18 clerk or an alternate site under s. 6.855.

19 (2) The legislature finds that posting or distributing election-related material  
20 at the polling place, at locations where absentee ballots may be cast, or near the  
21 entrance to such locations when voting is taking place may mislead and confuse  
22 electors about their rights and responsibilities regarding the exercise of the franchise  
23 and tends to disrupt the flow of voting activities at such locations. The legislature  
24 finds that the restrictions imposed by this section on the posting or distribution of

**BILL****SECTION 163**

1 election-related material are necessary to protect the compelling governmental  
2 interest in orderly and fair elections.

3 (3) (a) No person may post or distribute any election-related material during  
4 polling hours on election day at a polling place.

5 (b) No person may post or distribute any election-related material during  
6 polling hours on any public property on election day within 100 feet of an entrance  
7 to a building containing a polling place.

8 (c) No person may post or distribute any election-related material at the office  
9 of the municipal clerk or at an alternate site under s. 6.855 during hours that  
10 absentee ballots may be cast.

11 (d) No person may post or distribute election-related material during the hours  
12 that absentee ballots may be cast on any public property within 100 feet of an  
13 entrance to a building containing the office of the municipal clerk or an alternate site  
14 under s. 6.855.

15 (4) Subsection (3) does not apply to any of the following:

16 (a) The posting or distribution of election-related material posted or  
17 distributed by the municipal clerk or other election officials.

18 (b) The placement of any material on the bumper of a motor vehicle located on  
19 public property.

20 (5) A municipal clerk, election inspector, or law enforcement officer may  
21 remove election-related material posted in violation of sub. (3) and may confiscate  
22 election-related material distributed in violation of sub. (3).

23 **SECTION 164.** 12.04 (2) of the statutes is amended to read:

**BILL**

1           12.04 (2) Except as provided in ~~s. ss.~~ ss. 12.03 or 12.035 or as restricted under sub.  
2           (4), any individual may place a sign containing a political message upon residential  
3           property owned or occupied by that individual during an election campaign period.

4           **SECTION 165.** 12.07 (2) of the statutes is amended to read:

5           12.07 (2) No employer may refuse to allow an employee to serve as an election  
6           official under s. 7.30 or make any threats or offer any inducements of any kind to the  
7           employee for the purpose of preventing the employee from so serving.

8           **SECTION 166.** 12.09 of the statutes is repealed and recreated to read:

9           **12.09 Election threats.** (1) No person may personally or through an agent  
10          make use of or threaten to make use of force, violence, or restraint in order to induce  
11          or compel any person to vote or refrain from voting at an election.

12          (2) No person may personally or through an agent, by abduction, duress, or any  
13          fraudulent device or contrivance, impede or prevent the free exercise of the franchise  
14          at an election.

15          (3) No person may personally or through an agent, by any act compel, induce,  
16          or prevail upon an elector either to vote or refrain from voting at any election for or  
17          against a particular candidate or referendum.

18          **SECTION 167.** 12.13 (3) (ze) of the statutes is created to read:

19          12.13 (3) (ze) Compensate a person who obtains voter registration forms from  
20          other persons at a rate that varies in relation to the number of voter registrations  
21          obtained by the person.

22          **SECTION 168.** 12.13 (4) of the statutes is repealed.

23          **SECTION 169.** 12.60 (1) (b) of the statutes is amended to read:

**BILL****SECTION 169**

1           12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8.,  
2           (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000,  
3           or imprisoned not more than 6 months or both.

4           **SECTION 170.** 12.60 (1) (c) of the statutes is amended to read:

5           12.60 (1) (c) Whoever violates s. 12.13 (3) (am) ~~or~~ (4) may be required to forfeit  
6           not more than \$500.

7           **SECTION 171.** 12.60 (1) (d) of the statutes is amended to read:

8           12.60 (1) (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to  
9           forfeit not more than \$100.

10          **SECTION 172.** 17.29 of the statutes is amended to read:

11          **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary  
12          provisions in either the general law or in special acts, except ~~ch. 7~~ ss. 6.26 (2) (b), 6.28  
13          (2) (b), 6.55 (6), 6.875, and 7.30 relating to appointed election officers ~~appointed for~~  
14          ~~the election wards or polling places in the state~~ officials and ch. 21 relating to the  
15          military staff of the governor and to officers of the Wisconsin national guard; and  
16          shall govern all offices whether created by general law or special act, unless  
17          otherwise specially provided.

18          **SECTION 173.** 301.03 (3a) of the statutes is created to read:

19          301.03 (3a) Subject to all of the following, design a form to provide notice under  
20          ss. 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

21          (a) The form shall inform the person who is ineligible to vote that he or she may  
22          not vote in any election until his or her civil rights are restored.

23          (b) The form shall inform the person who is ineligible to vote when his or her  
24          civil rights are expected to be restored.

**BILL**

1 (c) The form shall include a place for the person to sign indicating that he or  
2 she understands that he or she may not vote in any election until his or her civil  
3 rights are restored. The form shall include a place also for a witness signature.

4 (d) The department shall retain the form, and a copy shall be given to the  
5 person.

6 **SECTION 174.** 301.03 (20) of the statutes is created to read:

7 301.03 (20) Transmit to the elections board, on a continuous basis, a list  
8 containing the name of each living person who has been convicted of a felony under  
9 the laws of this state and whose civil rights have not been restored, together with his  
10 or her residential address and the date on which the department expects his or her  
11 civil rights to be restored.

12 **SECTION 175.** 302.117 of the statutes is amended to read:

13 **302.117 Notice regarding ineligibility to vote.** When an inmate who is  
14 disqualified from voting under s. 6.03 (1) (b) is released to parole or extended  
15 supervision, the department shall inform the person in writing that he or she may  
16 not vote in any election until his or her civil rights are restored. The department shall  
17 use the form designed under s. 301.03 (3a) to inform the person, and the person and  
18 a witness shall sign the form.

19 **SECTION 176.** 343.11 (2m) of the statutes is created to read:

20 343.11 (2m) Within 30 days following surrender of a license under sub. (1), the  
21 department shall provide notice to the elections board of the person's name and  
22 address, the name of the jurisdiction issuing the surrendered license, and the date  
23 on which the license was surrendered.

24 **SECTION 177.** 880.33 (9) of the statutes is amended to read:

**BILL****SECTION 177**

1           880.33 (9) All the rights and privileges afforded a proposed incompetent under  
2           this section shall be given to any person who is alleged to be ineligible to register to  
3           vote or to vote in an election by reason that such person is incapable of understanding  
4           the objective of the elective process. The determination of the court shall be limited  
5           to a finding that the elector is either eligible or ineligible to register to vote or to vote  
6           in an election by reason that the person is or is not capable of understanding the  
7           objective of the elective process. The determination of the court shall be  
8           communicated in writing by the clerk of court to the election official or agency  
9           charged under s. 6.48, 6.92, 6.925 or 6.93, or 7.52 (5) with the responsibility for  
10          determining challenges to registration and voting which may be directed against  
11          that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)  
12          and any subsequent determination of the court shall be likewise communicated by  
13          the clerk of court.

14          **SECTION 178.** 973.09 (4m) of the statutes is amended to read:

15          973.09 (4m) The department shall inform each probationer who is disqualified  
16          from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his  
17          or her civil rights are restored. The department shall use the form designed under  
18          s. 301.03 (3a) to inform the probationer, and the probationer and a witness shall sign  
19          the form.

20          **SECTION 179.** 973.176 (2) of the statutes is amended to read:

21          973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant  
22          on probation for a conviction that disqualifies the defendant from voting under s. 6.03  
23          (1) (b), the court shall inform the defendant in writing that he or she may not vote  
24          in any election until his or her civil rights are restored. The court shall use the form

**BILL**

1 designed by the department of corrections under s. 301.03 (3a) to inform the  
2 defendant, and the defendant and a witness shall sign the form.

**SECTION 180. Nonstatutory provisions.**

4 (1) ELECTION-RELATED CONTINGENCY PLANNING. The elections board shall  
5 prepare a report and recommendations with regard to state and local  
6 election-related contingency planning efforts and preparedness regarding natural  
7 disasters or terrorist activities that may occur at or near election time. No later than  
8 the first day of the 7th month beginning after publication of this act, the elections  
9 board shall submit the report and recommendations to the chief clerk of each house  
10 of the legislature for distribution to the appropriate standing committees of the  
11 legislature in the manner provided under section 13.172 (3) of the statutes.

12 (2) AUDITS OF LOCAL ELECTION PRACTICES. The elections board shall prepare  
13 recommendations with regard to random post-election audits of local election  
14 practices to be conducted in the fall of odd-numbered years. The recommendations  
15 shall include recommendations on how election practices in a given municipality  
16 may be reviewed by election officials of other, similar-sized municipalities and how  
17 the state will fund such audits. No later than December 31, 2006, the elections board  
18 shall submit the recommendations to the chief clerk of each house of the legislature  
19 for distribution to the appropriate standing committees of the legislature in the  
20 manner provided under s. 13.172 (3) of the statutes.

21 (3) POLLING PLACE OBSERVATION RULES.

22 (a) The elections board shall submit in proposed form the rules required under  
23 section 7.41 (5) of the statutes, as created by this act, to the legislative council staff  
24 under section 227.15 (1) of the statutes no later than the 60th day beginning after  
25 publication of this act.



**BILL****SECTION 180**

1           (b) Using the procedure under section 227.24 of the statutes, the elections  
2       board may promulgate rules required under s. 7.41 (5) of the statutes, as created by  
3       this act, for the period before the effective date of the rules submitted under  
4       paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c)  
5       and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
6       statutes, the board is not required to provide evidence that promulgating a rule  
7       under this paragraph as an emergency rule is necessary for the preservation of the  
8       public peace, health, safety, or welfare and is not required to provide a finding of  
9       emergency for a rule promulgated under this paragraph.

10          (4) FEES FOR COPIES OF REGISTRATION LIST. The elections board may promulgate  
11       emergency rules under section 227.24 of the statutes implementing section 6.36 (6)  
12       of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2)  
13       of the statutes, emergency rules promulgated under this subsection remain in effect  
14       until the date on which permanent rules take effect. Notwithstanding section 227.24  
15       (1) (a) and (3) of the statutes, the elections board is not required to provide evidence  
16       that promulgating a rule under this subsection as an emergency rule is necessary for  
17       the preservation of public peace, health, safety, or welfare and is not required to  
18       provide a finding of emergency for a rule promulgated under this subsection.

19          (5) ELECTION OFFICIALS; INTERIM TERMS. Notwithstanding section 7.30 (6) (a) of  
20       the statutes, as affected by this act, the persons who are appointed as election  
21       officials under section 7.30 (4) of the statutes in 2006 shall serve for terms of one year  
22       and until their successors are appointed and qualified.

23          (6) DISTRIBUTION OF FORMS TO CONVICTED FELONS. No later than the first day of  
24       the 6th month beginning after the effective date of this subsection, the department  
25       of corrections shall distribute, and have signed in front of a witness, a copy of the form

**BILL**

1 designed under section 301.03 (3a) of the statutes, as created by this act, to each  
2 person who is on probation, parole, or extended supervision on that date and who is  
3 disqualified from voting in any election under section 6.03 (1) (b) of the statutes.

**SECTION 181. Initial applicability.**

4  
5 (1) NOTICE OF SCHOOL DISTRICT REFERENDA. The treatment of section 8.37 of the  
6 statutes first applies to a measure or question that becomes subject to a filing  
7 requirement under section 8.37 of the statutes on the effective date of this subsection.

8 (2) RECOUNTS. The renumbering and amendment of section 5.90 of the statutes  
9 and the creation of section 5.90 (2) and (3) of the statutes by this act first apply to  
10 recount petitions filed on the effective date of this subsection.

11 (3) TERMS OF CERTAIN POLL WORKERS. The treatment of sections 7.30 (2) (am), (6)  
12 (a), and (6) (am) of the statutes first applies to appointments made on the effective  
13 date of this subsection.

14 (4) PETITIONS FOR RECALL. The treatment of sections 9.10 (2) (b) and (d) and (4)  
15 (a) of the statutes first applies with respect to petitions for recall that are offered for  
16 filing on the effective date of this subsection.

17 (5) CIRCULATORS OF NOMINATION PAPERS AND PETITIONS. The treatment of sections  
18 5.02 (16g), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (em) 2. of the  
19 statutes first applies with respect to nomination paper circulation periods that begin  
20 and petitions that are initially circulated on the effective date of this subsection.

21 (6) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED  
22 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons  
23 whom the department of corrections releases to parole or extended supervision on  
24 the effective date of this subsection.

**BILL**

## SECTION 181

(7) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The treatment of section 973.09 (4m) of the statutes first applies to persons whom the court places on probation on the effective date of this subsection.

(8) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment of section 973.176 (2) of the statutes first applies to persons who are sentenced or placed on probation on the effective date of this subsection.

(9) ELECTION OFFICIAL TRAINING. The treatment of sections 7.15 (1m), 7.30 (2) (c), and 7.315 of the statutes first applies with respect to elections held in 2008.

**SECTION 182. Effective date.**

(1) This act takes effect on July 1, 2006, or on the day after publication, whichever is later.

**(END)**